THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22907 of 2006

Date: 22.03.2007

Between:

Gedela Krishnaveni.

..... PETITIONER

AND

The General Manager, Telecom District,
BSNL, Srikakulam and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22907 of 2006

Order:

The petitioner claims that she has been working as part time Sweeper with the respondents-BSNL since 1987, and she has completed 240 days of continuous service in a year. The grievance of the petitioner is that though the services of similarly situated casual labours were regularized, the respondents-BSNL are not regularizing her services and instead they engaged fresh casual labour by disengaging her services.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-BSNL.

By this writ petition, the petitioner is seeking to regularize her services as Sweeper on the ground that the services of some similarly situated casual labours were regularized. Her further case is that some of the juniors and freshers are engaged as casual labour by disengaging her services. The issues, raised in this writ petition, namely, whether the petitioner has been working as part time Sweeper with the respondent-BSNL or not, and if so whether she has completed 240 days of continuous service in a year; whether the petitioner is also entitled for regularization on par with similarly situated persons; and whether some of the juniors and freshers are engaged as casual labour by disengaging the services of the petitioner, are all disputed questions of fact, which can be decided only after adducing evidence by the parties, and this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot decide the same based on the averments made in the writ affidavit.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to approach the

appropriate forum provided under law. No costs.

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N.V. RAMANA, J.

Date: 22.03.2007
Nsr/Sj